

PUBLIC HEARING of the Town Council held Wednesday, December 12, 2007 at 7:55 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe

MEMBERS ABSENT: None

Relative to considering and acting on proposed amendments to the Revised General Ordinances of The Town of Burrillville 2004 Chapter 30 “Zoning” as follows:

30-201 “Land Development Review” is repealed in its entirety and the following is substituted therefore: 30-201 Development Plan Review

NOTE: The notice of meeting and full description was advertised in the Woonsocket Call on Wednesday, November 28, 2007 and a summary description was advertised in the Woonsocket Call on Tuesday, December 4 and Tuesday, December 11, 2007.

1. Comments/Input from Ordinance Subcommittee

Councilor Margaret L. Dudley, Ordinance Subcommittee Chair, reported that the proposed amendment had been recommended by

the Planning Board, that the purpose was to authorize the Planning Board to act as a review agent, and that the Ordinance Subcommittee recommends adoption.

2. Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager)

Thomas J. Kravitz, Town Planner and Economic Development Coordinator, said that the proposal was to change the current ordinance to reflect the requirements of RIGL §45-24-49. Timothy F. Kane, Town Solicitor, indicated that the proposal also clarifies the type of development plan review.

3. Recommendation Planning Board

The October 1, 2007 recommendation of the Planning Board in support of the zone changes is on file with the record of the meeting. Jeffrey Partington, Chairman of the Planning Board, stated the Board's full endorsement of the amendment, as submitted, and encouraged the Town Council to adopt the proposal.

4. Proponents: None

5. Opponents: None

6. VOTED to close the public hearing.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

7. Town Council Members Comments/Input/Deliberation:

Councilor Kevin M. Blais asked whether every project would be subject to review. Specifically, Councilor Blais questioned:

- §30-201(c)(3) which stipulates “300 gallons or less of oil on site at any time to be used for heating of a structure”; Councilor Blais pointed out that two 330 gallon oil tanks has become industry standard.**
- §30-201(c)(5) which stipulates “any development that proposes to clear, grade or disturb greater than 20,000 square feet of land”; Councilor Blais suggested that it would be impossible to construct a house on a wooded lot without disturbing that amount of land;**
- §30-201(c)(6) which stipulates “grading of more than 2,000 cubic yards of fill on the site”.**
- §30-201(c)(7). Councilor Blais was concerned about the 100’ and 200’ buffer areas.**
- §30-201(c)(9). Councilor Blais was concerned with the reference to “in the opinion of the Building Official”.**
- §30-201(6) Review Procedures. Councilor Blais suggested that**

review would be required for driveway paving projects.

Councilor Margaret L. Dudley said that the ordinance would not disallow projects but would provide for site plan reviews.

Timothy F. Kane, Town Solicitor, addressed Councilor Blais' concerns. He said that the proposal would provide for a reviewing agency for large scale projects. Mr. Kane noted that the Planning Board already reviews subdivisions. The specific types of development, he said, are in the current ordinance and the amendment is intended to provide for the Planning Board to review developments that are not technically subdivisions. There was general discussion of concerns raised and the review procedures.

Councilor Kevin M. Blais restated his objection to the ordinance. The review process was discussed further. There was discussion of changing §30-201(c)(3) to read 675 gallons rather than 300 gallons. There was discussion of the appeal process.

8. Consider and take action on proposed amendments to the Revised General Ordinances of The Town of Burrillville 2004 Chapter 30 "Zoning" as follows:

VOTED to adopt, with the change to 675 gallons in §30-201(c)(3):

The Town Council of the Town of Burrillville hereby ordains as

follows:

Chapter 30 of the General Ordinances of the Town of Burrillville, entitled “Zoning” is amended as follows:

30-201 “Land Development Review” is repealed in its entirety and the following is substituted therefore:

30-201 Development Plan Review

(a) Purpose. The purpose of the Development Plan Review Article is to assure that, to the fullest extent feasible, the best design and planning practices and best available technology are used to avoid or minimize impacts of development on the natural and manmade environment of the Town of Burrillville. In addition this ordinance ensures that an application for a Development Plan demonstrates consistency with the Town of Burrillville Comprehensive Plan and Development Plan Design Standards Section of the Subdivision & Land Development Regulations. All reasonable means shall be used to avoid adverse impacts on the public health, safety and welfare.

(b) Authority. The Development Plan Review Article is adopted pursuant to the authority contained in Title 45, Chapter 24, Section 49 of the Rhode Island General Laws, titled Development Plan Review. Additionally, the Burrillville Town Council by resolution dated August 23, 1995 provides the Planning Board with the authority to adopt,

modify and amend regulations and rules governing land development within the Town of Burrillville and to act as the review agent to conduct site plan reviews for such developments.

(c) Applicability. The following types of development shall be subject to Planning Board review in accordance with the Burrillville Subdivision & Land Development Regulations. Further, Development Plan(s) not involving subdivision shall demonstrate conformance with Section 10-10 of the Burrillville Subdivision & Land Development Regulations, entitled “Development Plan Design Standards”.

(1) Any proposed commercial or industrial development, including additions and expansions of existing development, constructed after the effective date of this section which, in aggregate, exceeds 10,000 square feet or generates greater than 500 vehicle trips per day as defined in the Institute of Transportation Engineers, Trip Generation Manual.

(2) Any proposed commercial or industrial development, including additions and expansions of existing development, which would result in the use or storage of hazardous materials.

(3) As defined in the hazardous substance list prepared by the Rhode Island Department of Labor, Division of Occupational Safety or hazardous wastes as defined in Section 11-3.45 of this ordinance, in quantities above those normally found in household use. For the purposes of this section, household quantities of hazardous materials or wastes shall mean 300 675 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator, or 25 gallons (or the dry weight equivalent) of

other hazardous materials or wastes on site at any time.

(4) All commercial and industrial developments within any of the Town's Aquifer Overlay Districts.

(5) Any development that proposes to clear, grade or disturb greater than 20,000 square feet of land, except clearing conducted pursuant to a validly issued subdivision approval, building permit, or earth removal permit, or for existing agricultural, forestry or related purposes. Exemption from this section for the purposes of clearing, grading and site disturbance for existing agricultural, forestry and related uses shall be determined at the sole discretion of the Building Official.

(6) Any project involving the development of land which is filled to a depth of more than four feet over any area of more than 10,000 square feet or involving the moving and grading of more than 2,000 cubic yards of fill on the site.

(7) Any development involving the filling or alteration of wetlands or the wetland buffer area; any development within the 100 year flood plain; any development within 200 feet of rivers, ponds, lakes, and vernal pools; and land within 100 feet of other resource areas.

(8) Any development requiring license pursuant to RIGL 1956 §42-98-4, shall submit a Development Plan in accordance with this section. The Planning Board shall review the proposal involving the siting, construction or alteration of a major energy facility for conformance and shall forward its findings, together with the record supporting its findings and a recommendation for final action, to the siting board established pursuant to RIGL 1956 §42-98-1 et seq.

(9) Any other development which may, in the opinion of the Building Official, significantly alter local drainage patterns and may require development of environmentally sensitive areas.

(d) Guidelines. The specific and objective guidelines, standards and minimum requirements as required per R.I.G.L. Title 45, Chapter 24, Section 49, shall be those described in the Section entitled “Burrillville Development Plan Review Guidelines – Traditional Village Design Elements” as described in the Burrillville Subdivision and Land Development Regulations as amended.

(e) Review Procedures . All developments described above in Section C Applicability subsections 1 thru 9 shall be subject to review by the Burrillville Planning Board. Land clearing associated with subsection 5 shall be required to submit Soil Erosion and Sediment Control Plans as drafted by a RI Registered Professional Engineer or Surveyor. Proposals involving development, as specified above, shall be subject to the review process described below in sections 1 and 2.

(1) Development Plan project(s) proposing building foot print(s) in aggregate of 10,000 square feet or less shall be reviewed according to the Minor Development Plan Review procedures of Section 10-6.4 of the Subdivision and Development Plan Regulations as adopted by Town of Burrillville Planning Board, June 13, 2001.

(2) Development Plan project(s) proposing building foot print(s) in aggregate greater than 10,000 square feet shall be reviewed according to the Major Development Plan Review procedures of Section 10-6.5 of the Subdivision and Development Plan Regulations

as adopted by Town of Burrillville Planning Board, June 13, 2001.

(3) Land disturbance projects not involving permanent structures or impervious parking such as forestry or agricultural practices shall be reviewed as minor developments as described in Section 6, subsection 1 above.

Adopted this 12th day of December 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

9. VOTED to adjourn.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

Louise R. Phaneuf, Town Clerk